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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,719	12/21/2000	Daniel J. Thompson	43517/203984	7753

826 7590 09/14/2004

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**37 CFR § 1.105 - Requirement for Information**

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The information is required to complete the background description in the disclosure by documenting Applicant's work on the disclosed invention. In the provisional application to which Applicant claims priority (application no. 60/228,949), Applicant states, "Between 1991 and 1997, the Inventor led and managed laboratory operations in both the environmental and pharmaceutical fields" (page 1). Two paragraphs later, Applicant continues to explain, "In the fall of 1997, the Inventor independently pursued an effort to launch a start-up pharmaceutical testing laboratory (a Contract Research Organization, CRO). During the development of the business plan, the Inventor was again faced with the question of how to determine non-financial measures of productivity." (Page 1) On page 2 of the provisional application, it is stated, "Thus, in November of 1997, the Inventor began to tie together the relationships between revenues for CRO's and the direct costs of outsourcing for pharmaceutical companies. This, in turn, led to the creation of the MRM process that is described below." The disclosed MRM process correlates to Applicant's claimed invention. While Applicant began to tie together the pieces of the disclosed invention as early as 1997, the earliest priority date of the instant application only goes back to August 28, 2000. The Examiner requests information regarding any aspects of the invention, as disclosed and/or claimed, that were either made public or offered for sale prior to Applicant's

earliest priority date of August 28, 2000. Please keep in mind that hiring outside contractors to develop part of the invention may constitute a public disclosure, especially if Applicant has no record of a confidentiality agreement between the parties:

Also, the Examiner requests any information regarding a commercial version of the claimed invention or any previous versions thereof. The names of any companies/assignees associated with Applicant's invention, as disclosed and/or claimed, are requested as well.

In conclusion, the Examiner requests information regarding a timeline and corresponding descriptions of Applicant's progress on the claimed invention from 1997 (or before, if applicable) until the filing of the provisional application. Furthermore, in response to this requirement, please provide the citation and a copy of each publication which the Applicant authored or co-authored and which describe the disclosed subject and/or claimed matter.

2. The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

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3. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

4. This requirement is subject to the provisions of 37 C.F.R. §§ 1.134, 1.135 and 1.136 and has a shortened statutory period of TWO (2) months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

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**Commissioner for Patents  
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or faxed to:

**(703)305-7687** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703)746-7048** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7<sup>th</sup> floor receptionist.

*Susanna Diaz*  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623  
September 7, 2004

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600